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PATTON BOGGS, LLP 2001 ROSS AVENUE, SUITE 3000 DALLAS, TX 75201			EXAMINER STRONCZER, RYAN S	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/803,046

**Applicant(s)**

OWENS ET AL.

**Examiner**

Ryan Stronczer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5-7, 9-12, 15-16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being anticipated by Norcott et al. (US Patent No.: 6,775,518) and further in view of Fish et al.**

As to amended claims 1 and 20, Norcott, as applied in the previous Office Action, teaches a system for providing multiple users in a facility access to multimedia content stored remotely from the location in said the content is being accessed. Fig. 1 of Norcott teaches a "content and administration server" including storage for content media, as well as a means for a distributing the stored content to one or more users through a communications channel. As to the amended limitation that the administrator include a plurality of decoders, Norcott teaches:

...the system **10** provides for a user to access the system **10** and the educational materials from a variety of terminals **64**. Utilizing the various databases **24, 26, 28, 30, 32**, and **34** of the storage **20** of the server **12**, the system **10** provides random access to each of the multiple, simultaneous users regardless of the terminal **64** being used by the users. (Col. 5, Lines 50-56)

As to the amended limitation that the administrator included a controller for selecting said first file from a plurality of files, Fig. 1 of Norcott teaches a system

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comprising a content selection database **28**; the recited functionality is inherent in an interface allowing a user to access a content selection database, as taught by Norcott.

As to the amended limitation that said “first analog streamed from first said decoder through a cable network operated independently of from a data network of said facility,” Norcott teaches:

Thus, the communications channel **14** may be a coaxial cable, a fiber optic line, a dedicated Internet line (such as ISDN or T1), a telephone line capable of transmitting modem or voice signals, a wireless, cellular, or other RF channel, or any other communications channel capable of carrying signals, depending on the required usage as discussed above and below. (col. 4, lines 32-36)

As to the recited limitation, “said controller configured to control said plurality of decoders utilizing infrared signals,” the combination of Fish et al. in view of Norcott, as applied to claim 12 in the previous Office Action, would incorporate an IR-blaster into the controller taught by Norcott to enable it to control subordinate devices via IR signals.

Amended claim 2 recites the functionality wherein each of said plurality of decoders communicates with said server through a separate communications channel. This functionality is inherent in Internet/LAN communications in which multiple devices are accessing the same data source.

Claim 3 is rejected for the same reason as set forth in the previous Office Action.

Claim 5 is rejected for the same reason as set forth in the previous Office Action.

Amended claim 6 recites the system of claim 1, further comprising the limitation, “wherein said user interface includes a PC networked with said controller through the data network for receiving instructions.” Fig. 1 of Norcott teaches a user terminal connected to the server interface via a LAN. “Therefore, the user terminal **64** may be a

*computer 68 which can both receive and transmit data or commands to the server 12 over a single communications channel 14"* (col. 2, lines 53-55).

Amended claim 7 recites the system of claim 1, "wherein said first decoder further comprises a DVD decoder." As applied to claim 7 in the previous Office Action, Norcott teaches a *"multi-channel PCI computer digital video decoder card (not shown)"* (Col 4, Lines 21-22).

Claim 8 is rejected for the same reason as set forth in the previous Office Action. As to the amended limitations that "said user interface and said instructions are displayed to a media player in a present location of a user," Col. 5-6 of Norcott teach multiple interfaces through which a user can interact with the system and describe a series of prompts or menus presented to the user in the course of such interaction.

As to amended claim 9, Fig. 1 of Norcott teaches a TV modulator that receives the analog signal from the audio/video I/O (see claim 1) and transmits the modulated signal to a television set. Norcott further teaches, *"It should be noted that, in the preferred embodiment, a plurality of TV modulators 50 are provided, each TV modulator 50 serving a separate simultaneous end user's television set 60"* (col. 4, lines 14-17).

As to claim 10, Norcott teaches that an existing telephone system or LAN can be used to interface with the "Content and Administration Server" of Fig. 1. *"Thus, communications channel 14 may be a coaxial cable...a dedicated Internet line...a telephone line capable of transmitting modem or voice signals, a wireless, cellular, or other RF channel, or any other communications channel..."* (Col 4, Lines 32-37). The IR blaster taught by the combination of Fish and Norcott, as analyzed w/r/t claim 1,

would allow the system controller to control subordinate devices through IR channels. That said IR signals are "pre-programmed to be utilized by said plurality of decoders" is inherent in that any device would have to be pre-configured to respond to IR commands as desired.

As to claim 11, col. 4 of Norcott (cited above) teaches that a coaxial cable may be used to transmit content to the user terminals. Demodulating a signal is inherent in receiving and displaying a modulated signal.

Newly submitted claim 12 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: All previously presented claims are drawn to a system in which a single controller controls one or more decoders. Amended claim 12 recites a plurality of controllers controlling said decoder(s).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 12 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

As to claim 15, the amended limitation that the equipment, "control one or more decoding devices through infrared signals," the recited functionality is taught by the combination of Fish and Norcott, as analyzed w/r/t claims 1 and 10. The recited "one or more decoding devices" are taught by col. 4, lines 14-17 of Norcott as cited above. As to the recited "cable network functioning separately from a data network," Norcott teaches, *"In the case where a television 60 or television receiver/demodulator...are*

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*employed...the broadcast to the television 60 or television receiver/demodulator ...are closed circuit or radio frequency..." (col. 5, lines 42-47).*

As to claim 16, it is inherent that the Norcott system would stream only files requested by the user.

Claim 18 is rejected for the same reasons as set forth in the previous Office Action.

**Claims 13-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norcott et al. in view of Fish et al. as applied to claim 1 above, and further in view of Ahmad.**

Claim 13 is rejected for the same reasons as set forth in the previous Office Action.

Claims 14 and 19 are rejected for the same reasons as set forth in the previous Office Action. As to the amended limitations, the recited functionality is taught by Fig. 10 of Ahmad and col. 4, lines 14-17 of Norcott cited above.

**Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norcott et al. in view of Fish et al. as applied to claim 1 above, and further in view of Schultz et al. (Pub. No.: US 2004/0194148).**

As to the amended limitations in claims 4 and 17 that the system provides a series of prompts on the a media player as the user is interacting with the controller via a telephone, Fig. 1 of Norcott teaches a telephone as a means for communicating with

the Input/Output module: "[t]he telephony I/O 46 connects to a signaling system...[n] utilizing a telephone 56, a standard PCI computer accessory card (not shown)...[and] provides voice prompts and interprets touchtone responses from the user via the telephone 56" (Col. 4, Lines 5-10); however, Norcott does not explicitly teach that the system "synchronously" displays prompts on a display, as recited. Schultz teaches a system for telephone controlled entertainment in which the user can issue commands to a set top box via the user's cellular phone. Schultz teaches, "[t]he system provides feedback to the user as the command is being verified. The feedback can be provided visually on the output, audibly on the output...or using a combination of these techniques" [0041]. It would have been obvious to one of ordinary skill in the art at the time of the investment to incorporate the command-verification taught by Schultz into the system taught by Norcott to allow the user to visually verify their selections while using the telephone interface taught by Norcott.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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